Notice of Allowability    10/625,901   ROLSTON ET AL		Application No.	Applicant(s)
Examiner			
### Jean F. Duverne   2839 ### Jean F. Duverne	Notice of Allowability		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address- All claims being allowable, PROSECUTION ON THE MERTIS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.  1. ☑ This communication is responsive to response filed on 6/12/2006.  2. ☑ The allowed claim(s) is/are 1-25.  3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* o) ☐ None of the: 1. ☐ Certified opies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the Priority documents have been received in Application No. 3. ☐ Copies of the Priority documents have been received in Application No. 3. ☐ Copies of the certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the certified copi			, i
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOTA GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.  1. ☑ This communication is responsive to response filed on 6/12/2006. 2. ☑ The allowed claim(s) is/are 1-25. 3. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☑ Some color of the priority documents have been received. 2. ☑ Certified copies of the priority documents have been received in Application No. ☑ 3. ☑ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  **Certified copies on treceived: ☑  Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**  4. ☑ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  5. ☑ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  (a) ☑ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  1) ☑ hereto or 20 ☑ to Paper No./Mail Date		Jean F. Duverne	2839
2. ☑ The allowed claim(s) is/are 1-25 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date	All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R	(OR REMAINS) CLOSED in or other appropriate comm IGHTS. This application is	n this application. If not included unication will be mailed in due course. THIS
3.	1. $\boxtimes$ This communication is responsive to <u>response filed on 6/1</u>	<u>2/2006</u> .	
a)	2. The allowed claim(s) is/are <u>1-25</u> .		
2.		nder 35 U.S.C. § 119(a)-(d)	or (f).
3.  ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  * Certified copies not received:	1. Certified copies of the priority documents have	e been received.	
* Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  THIS THREE MONTH PERIOD IS NOT EXTENDABLE.  4. □ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  5. □ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  (a) □ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  1) □ hereto or 2) □ to Paper No./Mail Date  (b) □ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  6. □ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  Attachment(s)  1. □ Notice of References Cited (PTO-892)  2. □ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. □ Interview Summary (PTO-413), Paper No./Mail Date  Paper No./Mail Date  7. □ Examiner's Amendment/Comment  Paper No./Mail Date  8. □ Examiner's Statement of Reasons for Allowance of Biological Material	2. Certified copies of the priority documents have	e been received in Application	on No
* Certified copies not received:  Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  1) ☐ hereto or 2) ☐ to Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  Attachment(s)  1. ☐ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date  Paper No./Mail Date  2. ☐ Notice of Informal Patent Application (PTO-152)  8. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material  8. ☐ Examiner's Statement of Reasons for Allowance of Biological Material	3.  Copies of the certified copies of the priority do	cuments have been receive	d in this national stage application from the
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  1) hereto or 2) to Paper No./Mail Date  (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  (b) and analysis of the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  Attachment(s)  1. Notice of References Cited (PTO-892)  2. Notice of Draftperson's Patent Drawing Review (PTO-948)  3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date	International Bureau (PCT Rule 17.2(a)).		
noted below. Failure to timely comply will result in ABANDONMENT of this application.  THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  1) ☐ hereto or 2) ☐ to Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  Attachment(s)  1. ☐ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date  7. ☐ Examiner's Amendment/Comment Paper No./Mail Date  7. ☐ Examiner's Statement of Reasons for Allowance of Biological Material	* Certified copies not received:		
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  1) ☐ hereto or 2) ☐ to Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  Attachment(s)  1. ☐ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date  7. ☐ Examiner's Amendment/Comment Pagerding Requirement for Deposit of Biological Material	noted below. Failure to timely comply will result in ABANDONN		e a reply complying with the requirements
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  1) ☐ hereto or 2) ☐ to Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  Attachment(s)  1. ☐ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date  7. ☐ Examiner's Amendment/Comment Patent Application (PTO-152)  8. ☑ Examiner's Statement of Reasons for Allowance of Biological Material			
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  1) ☐ hereto or 2) ☐ to Paper No./Mail Date  (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  Attachment(s)  1. ☐ Notice of References Cited (PTO-892)  2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date  7. ☐ Examiner's Amendment/Comment Patent Application (PTO-152)  8. ☑ Examiner's Statement of Reasons for Allowance of Biological Material	5. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.	
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Interview Summary (PTO-413), Paper No./Mail Date  7. ☐ Examiner's Amendment/Comment Paper No./Mail Date  8. ☐ Examiner's Statement of Reasons for Allowance of Biological Material	· · · · · · · · · · · · · · · · · · ·		w ( PTO-948) attached
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date  Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Interview Summary (PTO-413), Paper No./Mail Date  7. ☐ Examiner's Amendment/Comment Paper No./Mail Date  8. ☐ Examiner's Statement of Reasons for Allowance of Biological Material	1)  hereto or 2)  to Paper No./Mail Date	•	
each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).  6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.  Attachment(s)  1. Notice of References Cited (PTO-892)  2. Notice of Draftperson's Patent Drawing Review (PTO-948)  3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date	(b) including changes required by the attached Examiner		r in the Office action of
Attachment(s)  1. □ Notice of References Cited (PTO-892)  2. □ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 12/9/0 €  4. □ Examiner's Comment Regarding Requirement for Deposit of Biological Material	Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in the same of	.84(c)) should be written on t he header according to 37 Cl	the drawings in the front (not the back) of FR 1.121(d).
1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date	6. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT	sit of BIOLOGICAL MAT FOR THE DEPOSIT OF BI	ERIAL must be submitted. Note the OLOGICAL MATERIAL.
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Informal Patent Application (PTO-152)</li> <li>Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>Interview Summary (PTO-413), Paper No./Mail Date</li></ol>			•
1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date		•	
1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date			
1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date	•	•	
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  3. ☐ Interview Summary (PTO-413), Paper No./Mail Date  7. ☐ Examiner's Amendment/Comment  4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material			, , , , , , , , , , , , , , , , , , ,
Paper No./Mail Date			
<ul> <li>3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 12/9/0 4</li> <li>4. Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> <li>7. Examiner's Amendment/Comment</li> <li>8. Examiner's Statement of Reasons for Allowance</li> </ul>	2. Notice of Draftperson's Patent Drawing Review (PTO-948)		
<ol> <li>Examiner's Comment Regarding Requirement for Deposit</li> <li>Examiner's Statement of Reasons for Allowance of Biological Material</li> </ol>	3. Information Disclosure Statements (PTO-1449 or PTO/SB/0	D8), 7. Examiner's	Amendment/Comment
of Biological Material  9.   Other	4. Examiner's Comment Regarding Requirement for Deposit	8. 🛭 Examiner's	Statement of Reasons for Allowance
	of Biological Material	9.	•

Application/Control Number: 10/625,901

Art Unit: 2839

## **DETAILED ACTION**

## Reason for allowance

Claims 1-25 are allowed over the prior art.

The following is an examiner's statement of reasons for allowance: Applicant's amendment and argument filed on 9/15/2004, page 12,paragraphs 4-5 overcome the previous rejection.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (571) 272-2091. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/625,901

Art Unit: 2839

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**JFD** 

06/22/2006

Duverne

Examiner

Unit 2839